



General Assembly

January Session, 2005

Raised Bill No. 996

LCO No. 3120

03120_____AGE

Referred to Committee on Select Committee on Aging

Introduced by:
(AGE)

AN ACT CONCERNING NURSING HOME STAFFING LEVELS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-522 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 (a) The commissioner shall adopt regulations, in accordance with
4 chapter 54, concerning the health, safety and welfare of patients in
5 nursing home facilities, classification of violations relating to such
6 facilities, medical staff qualifications, record-keeping, nursing service,
7 dietary service, personnel qualifications and general operational
8 conditions. The regulations shall: (1) Assure that each patient admitted
9 to a nursing home facility is protected by adequate immunization
10 against influenza and pneumococcal disease in accordance with the
11 recommendations of the National Advisory Committee on
12 Immunization Practices, established by the Secretary of Health and
13 Human Services; (2) specify that each patient be protected annually
14 against influenza and be vaccinated against pneumonia in accordance
15 with the recommendations of the National Advisory Committee on
16 Immunization; and (3) provide appropriate exemptions for patients for
17 whom such immunizations are medically contraindicated and for

18 patients who object to such immunization on religious grounds.

19 (b) (1) As used in this subsection, "direct care" means hands-on-care
20 provided to residents of nursing home facilities, including, but not
21 limited to, feeding, bathing, toileting, dressing, lifting and moving
22 such residents, but does not include food preparation, housekeeping or
23 laundry services, except when such services are required to meet the
24 needs of any such resident on an individual situational basis.

25 (2) The Department of Public Health shall not issue a license to or
26 renew the license of a nursing home facility unless such facility
27 employs sufficient direct care provider staff to provide continuous
28 twenty-four-hour direct care services to meet the needs of each
29 resident in such facility.

30 (3) Not later than July 1, 2006, each nursing home facility shall
31 maintain aggregate direct care provider staffing levels at or above the
32 following standards:

33 (A) During the day shift, one full-time direct care provider for each
34 five residents;

35 (B) During the evening shift, one full-time direct care provider for
36 each ten residents; and

37 (C) During the night shift, one full-time direct care provider for each
38 fifteen residents.

39 (4) The direct care provider staff levels specified in subdivision (3)
40 of this subsection prescribe minimum direct care provider staffing
41 levels for a nursing home facility. Where an acuity system approved by
42 the Department of Public Health and adopted by a nursing home
43 facility indicates that additional direct care provider staff is required,
44 the nursing home facility shall staff at the higher staffing level.

45 (5) Any licensed nursing home facility that fails to comply with the
46 minimum staffing requirements of subdivision (3) of this subsection on

47 any day shall submit a report to the department, identifying the day
 48 and the shift during which such noncompliance occurred and
 49 specifying the reasons for and circumstances surrounding such
 50 noncompliance. The report required by this subdivision shall be
 51 submitted on a quarterly basis. If such facility fails to submit the report
 52 required by this subdivision or intentionally misrepresents the
 53 information contained in any such report, or if the commissioner
 54 determines that there is sufficient evidence to support a finding that
 55 there exists a pattern of noncompliance by such facility with the
 56 minimum staffing requirements of subdivision (3) of this subsection,
 57 the commissioner may take action against such facility in accordance
 58 with sections 19a-524 to 19a-528, inclusive.

59 [(b)] (c) Nursing home facilities may not charge the family or estate
 60 of a deceased self-pay patient beyond the date on which such patient
 61 dies. Nursing home facilities shall reimburse the estate of a deceased
 62 self-pay patient, within sixty days after the death of such patient, for
 63 any advance payments made by or on behalf of the patient covering
 64 any period beyond the date of death. Interest, in accordance with
 65 subsection (a) of section 37-1, on such reimbursement shall begin to
 66 accrue from the date of such patient's death.

67 (d) The Commissioner of Public Health shall adopt regulations, in
 68 accordance with the provisions of chapter 54, to specify the policies
 69 and procedures that the department will utilize to approve the acuity
 70 system of a nursing home facility.

71 Sec. 2. (NEW) (*Effective July 1, 2006*) The Department of Social
 72 Services shall reimburse nursing homes for the actual, allowable costs
 73 for direct care and indirect care at ninety-five per cent of actual
 74 allowable costs. For nursing homes in which Medicaid accounts for
 75 more than ninety per cent of patient days, the department shall
 76 reimburse such homes for an additional five per cent of allowable
 77 costs, excluding property and capital.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005</i>	19a-522
Sec. 2	<i>July 1, 2006</i>	New section

Statement of Purpose:

To revise nursing home direct care staffing standards.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]